

## **REMARKS**

Claims 1-8 and 10-22 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **Claim Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 1, 5, 7, 8, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dahlbacka (U.S. Pat. No. 5,344,215). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dahlbacka (U.S. Pat. No. 5,344,215). Claims 2, 3, 6, 10, 11, and 13-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dahlbacka (U.S. Pat. No. 5,344,215) in view of Martone et al (U.S. Pat. No. 5,618,083). Claims 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dahlbacka (U.S. Pat. No. 5,344,215) in view of Fisher IV et al (U.S. Pat. No. 5,823,622). These rejections are respectfully traversed.

The Examiner's attention is directed to independent Claims 1, 8, 13 and 18 which have been amended to further emphasize that the housing of the linear recliner mechanism is coupled to the seat back.

Applicants submit that the '215 patent to Dahlbacka does not teach or suggest Applicants' invention as claimed, as the core reference fails to teach or suggest the housing for the recliner mechanism coupled to the seat back. Specifically, Dahlbacka teaches the recliner mechanism 30 with housing 56 "on the right side of the seat assembly 20, mechanism 30 could also be located on the left side or the center of the seat if desired" (Column 3, Lines 62-65). As shown, Dahlbacka '215 gives no suggestion

in either of his embodiments to modify the location of the recliner mechanism to the seat back.

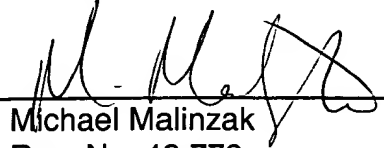
Further, Applicants point out the legal precedent established by prior case law states that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination (ACS Hosp. Sys., Inc. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)). Hence, as Dalhbacka '215 does not teach or suggest a housing coupled to the seat back, Applicants respectfully request that the Examiner reconsider and withdraw the rejections under §§102 and 103.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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## ATTACHMENT FOR CLAIM AMENDMENTS

The following is a marked up version of each amended claim in which underlines indicates insertions and brackets indicate deletions.

1. (THREE TIMES AMENDED) A linear seat recliner for use in a motor vehicle having a seat with a seat back pivotally connected to a seat bottom, the seat being operable in a plurality of use positions ranging from an upright position to a fully reclined position, the linear seat recliner comprising:

a housing adapted to be coupled to [one of] the seat back [and the seat bottom];

a latching mechanism coupled to said housing and actuatable relative said housing between a latched position and an unlatched position; and

a recliner rod including a body having a first end and a second end, said body having a substantially planar top flat diametrically opposed and parallel to a substantially planar bottom flat, said top flat including a plurality of teeth positioned at said first end of said body, said plurality of teeth of said recliner rod selectively engaged with said latching mechanism when said latching mechanism is in said latched position and said second end of said recliner rod adapted to be coupled to the [other of the seat back and the] seat bottom; and

wherein said latching mechanism prevents relative axial movement of said recliner rod when in said latched position and said latching mechanism allows relative axial movement of said recliner rod when in said unlatched position.

2. The linear seat recliner of Claim 1 wherein said recliner rod is adapted for sliding from a first position corresponding to the fully reclined position to a second position corresponding to the upright position, said recliner rod including a stop engaging said housing when said recliner rod is in said first position.

3. The linear seat recliner of Claim 2 wherein said stop is integrally formed in said recliner rod.

4. The linear seat recliner of Claim 1 wherein said body of said recliner rod has a hexagonal cross section.

5. The linear seat recliner of Claim 1 wherein said housing includes a guide mechanism supporting said bottom flat of said recliner rod.

6. The linear seat recliner of Claim 5 wherein said guide mechanism includes a plurality of rivets coupled to said housing.

7. The linear seat recliner of Claim 1 wherein said top flat and said bottom flat extend substantially between said first and second ends.

8. (THREE TIMES AMENDED) A reclining seat assembly comprising:  
a seat bottom having a side rail;  
a seat back having a support rail pivotally coupled to said side rail;

a linear seat recliner including a housing secured to [one of said side rail and] said support rail;

a recliner rod having a first end supported for relative linear motion within said housing and a second end having an aperture, said recliner rod having a substantially planar top flat having a plurality of teeth formed therein and a substantially planar bottom flat positioned parallel thereto, said second end pivotally coupled to [the other of] said side rail [and said support rail]; and

a latching mechanism coupled to said housing and actuatable relative said housing between a latched position where said latching mechanism engages said teeth to prevent relative axial movement of said recliner rod and an unlatched position where said latching mechanism allows relative axial movement of said recliner rod.

9. (CANCELLED)

10. The reclining seat assembly of Claim 8 wherein said recliner rod includes a stop radially protruding from said first end for restricting the linear motion of said recliner rod relative to said housing.

11. The reclining seat assembly of Claim 10 wherein said stop is integrally formed to said first end of said recliner rod.

12. The reclining seat assembly of Claim 8 wherein said recliner rod is supported by a plurality of rivets.

13. (AMENDED) A recliner rod for a linear seat recliner for use in a seat having a seat back pivotally connected to a seat bottom, the seat operable in a plurality of use positions ranging from an upright position to a fully reclined position, the linear seat recliner having a housing coupled to [one of] the seat back [and the seat bottom], the linear recliner mechanism also having a latching mechanism coupled to the housing, the recliner rod comprising:

a body having a first end and a second end, said body further having a top flat diametrically opposed and substantially parallel to a bottom flat;

a paddle integrally formed with said body at said second end;

a stop integrally formed with said body at said first end;

a plurality of teeth positioned on said top flat, said plurality of teeth adapted to be engaged by the latching mechanism, said second end adapted to be coupled to the [other of the seat back and the] seat bottom.

14. The recliner rod of Claim 13 wherein said top and bottom flats extend from said first end to said second end.

15. The recliner rod of Claim 13 wherein said recliner rod is adapted to slide relative to the housing.

16. The recliner rod of Claim 15 wherein said stop is adapted to engage the housing to limit the travel of said recliner rod relative to the housing.

17. The recliner rod of Claim 16 wherein said stop is adapted to engage the housing when the seat is in the fully reclined position.

18. (AMENDED) The method of forming a recliner rod for a linear seat recliner for use in a seat having a seat back pivotally connected to a seat bottom, the seat being operable in a plurality of use positions ranging from an upright position to a fully reclined position, the linear seat recliner having a housing coupled to [one of] the seat back [and the seat bottom], the linear recliner mechanism also having a latching mechanism coupled to the housing, the method comprising the steps of:

providing a recliner rod blank having a first end, a second end, a top flat, and a bottom flat substantially parallel to said top flat;

deforming said second end of said blank to define a paddle adapted to be coupled to the [other of the seat back and the] seat bottom;

deforming said first end of said blank to define a stop adapted to engage the housing when the seat is in its fully reclined position; and

forming a set of teeth on said top flat, said set of teeth adapted to be selectively engageable by the latching mechanism.

19. The method of Claim 18 wherein said step of providing said recliner rod blank includes extruding said blank.

20. The method of Claim 18 wherein said step of defining top and bottom flats includes coining said body.

21. (AMENDED) The linear seat recliner of Claim 1 wherein said second end of said recliner rod includes a ball joint assembly to couple the recliner rod to the [other of the seat back and the] seat bottom.

22. (AMENDED) The reclining seat assembly of Claim 8 wherein said second end of said recliner rod includes a ball joint assembly to pivotally couple the recliner rod to [the other of] said side rail [and said support rail].